

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 9-13-2-92.2 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2009]: **Sec. 92.2. "Lawful intervention**
- 6 **technique", for purposes of IC 9-21-1, has the meaning set forth in**
- 7 **IC 9-21-1-0.5.**
- 8 SECTION 2. IC 9-21-1-0.5 IS ADDED TO THE INDIANA CODE
- 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 10 1, 2009]: **Sec. 0.5. As used in this chapter, "lawful intervention**
- 11 **technique" means a method by which a pursuing motor vehicle**
- 12 **causes, or attempts to cause, a fleeing motor vehicle to stop. The**
- 13 **term includes a precision immobilization technique (PIT)**
- 14 **maneuver.**
- 15 SECTION 3. IC 9-21-1-8 IS AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2009]: **Sec. 8. (a) This section applies to the**
- 17 **person who drives an authorized emergency vehicle when:**
- 18 (1) responding to an emergency call;
- 19 (2) in the pursuit of an actual or suspected violator of the law; or
- 20 (3) responding to, but not upon returning from, a fire alarm.

(b) The person who drives an authorized emergency vehicle may do the following:

- (1) Park or stand, notwithstanding other provisions of this article.
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.
- (3) Exceed the maximum speed limits if the person who drives the vehicle does not endanger life or property.
- (4) Disregard regulations governing direction of movement or turning in specified directions.
- (5) Execute a lawful intervention technique if the person has completed a training course that instructs participants in the proper execution of lawful intervention techniques.**

(c) This section applies to an authorized emergency vehicle only when the vehicle is using audible or visual signals as required by law. An authorized emergency vehicle operated as a police vehicle is not required to be equipped with or display red and blue lights visible from in front of the vehicle.

(d) This section does not do the following:

- (1) Relieve the person who drives an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.
- (2) Protect the person who drives an authorized emergency vehicle from the consequences of the person's reckless disregard for the safety of others."

Page 2, delete lines 5 through 42, begin a new paragraph and insert:
 "SECTION 5. IC 9-24-11-3, AS AMENDED BY P.L.184-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **(a) This section applies to a probationary operator's license issued before July 1, 2009.**

~~(a)~~ **(b)** A license issued to an individual less than eighteen (18) years of age is a probationary license.

~~(b)~~ **(c)** An individual holds a probationary license subject to the following conditions:

- (1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.
- (2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor

1 vehicle in which there are passengers unless another individual
2 who:

3 (A) is at least twenty-one (21) years of age and ~~(B)~~ holds a
4 valid operator's license issued under this article; or

5 **(B) is the individual's parent, guardian, or stepparent who**
6 **is at least twenty-one (21) years of age;**

7 is present in the front seat of the motor vehicle.

8 (3) The individual may operate a motor vehicle only if the
9 individual and each occupant of the motor vehicle has a safety
10 belt properly fastened about the occupant's body at all times when
11 the motor vehicle is in motion.

12 ~~(c)~~ (d) An individual who holds a probationary license issued under
13 this section may receive an operator's license, a chauffeur's license, a
14 public passenger chauffeur's license, or a commercial driver's license
15 when the individual is at least eighteen (18) years of age.

16 ~~(d)~~ (e) Except as provided in subsection ~~(c)~~, (f), a probationary
17 license issued under this section:

18 (1) expires at midnight of the twenty-first birthday of the holder;
19 and

20 (2) may not be renewed.

21 ~~(e)~~ (f) A probationary license issued under this section to an
22 individual who complies with IC 9-24-9-2.5(5) through
23 IC 9-24-9-2.5(9) expires:

24 (1) at midnight one (1) year after issuance if there is no expiration
25 date on the authorization granted to the individual to remain in the
26 United States; or

27 (2) if there is an expiration date on the authorization granted to
28 the individual to remain in the United States, the earlier of the
29 following:

30 (A) At midnight of the date the authorization to remain in the
31 United States expires.

32 (B) At midnight of the twenty-first birthday of the holder.

33 SECTION 6. IC 9-24-11-3.3 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2009]: Sec. 3.3. (a) This section applies to a probationary
36 operator's license issued after June 30, 2009.

37 (b) A license issued to or held by an individual less than eighteen
38 (18) years of age is a probationary license.

1 (c) An individual holds a probationary license subject to the
2 following conditions:

3 (1) Except as provided in subsection (e), the individual may
4 not operate a motor vehicle from 10 p.m. until 5 a.m. of the
5 following morning during the first one hundred eighty (180)
6 days after issuance of the probationary license.

7 (2) Except as provided in subsection (e), after one hundred
8 eighty (180) days after issuance of the probationary license,
9 and until the individual becomes eighteen (18) years of age, an
10 individual may not operate a motor vehicle:

11 (A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

12 (B) after 11 p.m. on Sunday, Monday, Tuesday,
13 Wednesday, or Thursday; or

14 (C) before 5 a.m. on Monday, Tuesday, Wednesday,
15 Thursday, or Friday.

16 (3) Except as provided in subsection (f), during the one
17 hundred eighty (180) days after the issuance of the
18 probationary license, the individual may not operate a motor
19 vehicle in which there are passengers unless another
20 individual:

21 (A) who:

22 (i) is at least twenty-five (25) years of age; and

23 (ii) holds a valid operator's, chauffeur's, public
24 passenger chauffeur's, or commercial driver's license
25 issued under this article; or

26 (B) who is a certified driver education instructor;

27 is present in the front seat of the motor vehicle.

28 (4) The individual may operate a motor vehicle only if the
29 individual and each occupant of the motor vehicle have:

30 (A) a safety belt; or

31 (B) if the occupant is a child who must be properly
32 fastened and restrained in a child restraint system
33 according to the manufacturer's instructions under
34 IC 9-19-11, a child restraint system;

35 properly fastened about the occupant's body at all times when
36 the motor vehicle is in motion.

37 (d) An individual who holds a probationary license to which this
38 section applies may not operate a motor vehicle while using a

1 telecommunications device unless the telecommunications device
2 is being used to make a 911 emergency call.

3 (e) An individual may operate a motor vehicle during the period
4 referred to in subsection (c)(1) or (c)(2) if the individual operates
5 the motor vehicle while:

6 (1) participating in, going to, or returning from:

7 (A) lawful employment;

8 (B) a school sanctioned activity; or

9 (C) a religious event; or

10 (2) accompanied by a licensed driver at least twenty-five (25)
11 years of age.

12 (f) An individual subject to this section may operate a motor
13 vehicle and transport:

14 (1) a child of the individual;

15 (2) a sibling of the individual;

16 (3) a child and a sibling of the individual; or

17 (4) the parent, guardian, or stepparent of the individual;

18 without another accompanying individual present in the motor
19 vehicle.".

20 Delete page 3.

21 Renumber all SECTIONS consecutively.

(Reference is to HB 1323 as printed February 20, 2009.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Wyss

Chairperson